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Ira S. Nesenoff
Andrew T. Miltenberg

Stuart Bernstein

Barbara H. Trapasso
Ariya M. Waxman
Tara J. Davis
Diana R. Warshaw
Gabrielle M. Vinci
Kara L. Gorycki
Cindy A. Singh
Nicholas E. Lewis
Adrienne D. Levy

Philip A. Byler
Senior Litigation Counsel
Megan S. Goddard
Counsel
Rebecca C. Nunberg
Counsel
Jeffrey S. Berkowitz
Counsel
Marybeth Sydor
Title IX Consultant

December 20, 2018

BY ECF

Honorable David E. Peebles
United States District Magistrate Judge
Northern District of New York
100 South Clinton Street
Syracuse, New York 13261

Dear Your Honor:

Please be advised, I am counsel to Denise Payne ("Plaintiff") in the above-referenced matter. I write with consent of Defendant's, to respectfully propose a filing schedule for the parties' anticipated pleadings.

Plaintiff started this action by Summons with Notice in the New York State Supreme Court, Tompkins County on November 7, 2018. Defendant filed a Demand for a Complaint on November 15, 2018 and thereafter removed this case to this Court. Following discussions between counsel, Plaintiff's time to file a complaint in this action was extended and Plaintiff has not yet filed a complaint in response to Defendant's demand.

Accordingly, Plaintiff proposes the following schedule for filing the parties' anticipated pleadings:

Plaintiff's deadline to file a complaint **January 2, 2019**

Defendants' deadline to Answer or otherwise respond to Plaintiff's complaint

This additional time is needed in light of the upcoming and recently past holidays, and several scheduling conflicts including the undersigned's mandatory presence at hearings in separate matters in Des Moines, Iowa and Denver, Colorado. Plaintiff notes that the above requested schedule conflicts with the currently scheduled initial conference in this matter, scheduled for January 18, 2019. Accordingly, in light of the foregoing and due to the undersigned's mandatory appearance on January 18th in the Southern District of New York in the matter Duarte v. St. Barnabas Hospital, Index No.: 15-cv-6824, the undersigned respectfully



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requests that the initial conference be adjourned to a later date and time that is convenient for the court. The undersigned has conferred with Defendant's counsel regarding this adjournment request and Defendant's counsel does not object to adjourning the initial conference.

Counsel remains available should Your Honor have any questions or concerns. Thank you for your time and consideration of this application.

**Respectfully submitted,
NESENOFF & MILTENBERG LLP**

By: Gabrielle Vinci
Gabrielle M. Vinci, Esq.

CC: All counsel (Via ECF)